

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

D.W., individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

NEC NETWORKS, LLC.  
d/b/a CAPTURERX

and

WALMART INC.

Defendants.

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Case No. 4:21-cv-00363-SRB

**JOINT MOTION TO STAY**

Plaintiff D.W. (“Plaintiff”) and Defendants NEC Networks, LLC’s (d/b/a CaptureRx) and Walmart Inc. (“Walmart,” and collectively with Plaintiff and CaptureRx, the “Parties”) respectfully move the Court to stay this action in its entirety pending final resolution of CaptureRx’s class action settlement. Specifically, on December 16, 2021, CaptureRx filed a “Notice of Settlement” informing the Court that it had reached a class action settlement and will be filing for approval before the United States District Court for the Western District of Texas. The settlement, if approved, has the potential to resolve this action in its entirety.<sup>1</sup> As a result, the Parties respectfully submit that judicial economy favors staying this action in its entirety while the

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<sup>1</sup> The proposed class action settlement would resolve the claims of all individuals whose information was compromised in the CaptureRx data security incident announced on or around May 5, 2021, and its release would include all pharmacies (including all Walmart entities).

settlement process plays out. There is no reason for this Court or the Parties to expend resources on litigation that may be resolved in its entirety through the CaptureRx settlement. *See Riley v. United States Fire Ins. Co.*, No. 4:21-CV-0192-DGK, 2021 WL 4138413, at \*1 (W.D. Mo. Sept. 10, 2021) (quoting *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936)) (explaining that it is “incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

Accordingly, the Parties respectfully move the Court to stay this action in its entirety pending final resolution of the CaptureRx settlement, including without limitation vacating the Scheduling Conference currently set for January 31, 2022 and all related deadlines.

Date: December 21, 2021.

Respectfully submitted,

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